

REMARKS

This Response to Office Action is submitted in response to the Office Action dated July 23, 2002. The Applicants' response time period was restarted on August 15, 2002 pursuant to the Office Communication dated August 15, 2002.

In the Response to the Final Office Action dated June 5, 2002, Applicants canceled Claims 34 to 64, 69 to 115, and 118 to 130 without prejudice or disclaimer for the sole purpose of putting the application in condition for allowance. Applicants expressly disagreed with the Final Office Action's rejections of the above claims and stated that a continuation application including the cancelled claims would be filed. The July 23, 2002 Office Action has withdrawn the finality of the Final Office Action dated June 5, 2002. Applicants respectfully request that the previous cancellation of Claims 34 to 64, 69 to 115, and 118 to 130 be withdrawn and that Claims 34 to 64, 69 to 115, and 118 to 130 reinstated. Claims 34, 45, 47, 50, 53, 56, 59, 62, 69, 74, 84, 86, 89, 92, 95, 98, 101, 104, 109 to 115, 118 to 119, and 124 to 130 have also been amended to further clarify the present invention. No new matter has been added. Claims 34 to 130 are accordingly now pending in the application for the present invention.

It is submitted that no fees are due in connection with this response at this time because Applicants have previously paid for all of these claims in this application. Specifically, in the Response to Office Action dated February 26, 2002, Applicants submitted a check in the amount of \$3,614.00. Attached hereto is a marked-up version of the changes made to the specification and claims by the current Response. The attached page is captioned "**Version with Markings to Show Changes Made.**"

Pursuant to a telephone conference with the Examiner, the Chutes™ and Ladders CD provided to Applicant with the August 15, 2002 communication is being returned to the Examiner by hand delivery by the undersigned associates. Applicant respectfully request that the Examiner replay the Chutes and Ladders CD in view of the comments set forth herein.

The Final Office Action of June 5, 2002 rejected Claims 34 to 49, 53 to 61, 74 to 88, 92 to 100, 104 to 110, 113 to 114, 110 to 125, and 128 under 35 U.S.C. § 102(b) as being anticipated by Beall et al. (U.S. Patent No. 4,974,857). The Final Office Action of June 23, 2002 also rejected Claims 50 to 52, 62 to 64, 69 to 73, 89 to 91, 101 to 103,

111 to 112, 115, 118, 126 to 127, and 129 to 130 under 35 U.S.C. §103(a) as being unpatentable over Beall et al.

Beall discloses an electronic dart game capable of being played by sight-impaired persons. An audible announcing device is associated with a processor and is responsive to the processor for audibly announcing sufficient information to direct and score the game without the need for viewing of visible indicators.

Beall's target is the electronic dart board or, alternatively, the dart board includes multiple target segments. (Col. 2: 58 – 68). Beall does not disclose a display device which, in addition to a target, also displays a plurality of non-targets. Applicants respectfully submit that the June 5, 2002 Final Office Action misinterprets Beall, because the area surrounding the dartboard does not disclose, teach or suggest a plurality of non-targets or pitfalls displayed by a display device. A player of the Beall dart based game could miss the targets by any suitable distance which is not measured by Beall.

Beall also does not disclose, teach or suggest the sound effect associated with the predetermined proximity which includes at least two non-targets in part because Beall does not have non-targets. Beall discloses that when the player throws a dart and misses the dart board completely, the game will be unable to detect the miss until the player presses the "next player" button indicating that he has throw 3 darts and the player's turn is over. (Col. 3, 29 – 33). The processor of Beall does not cause the sound effect when one of the non-targets within the predetermined proximity from the target is selected because Beall does not have non-targets. Also, in Beall the same sound is made no matter how far a player misses and is not based on a proximity from the target. Beall, at the most, suggest that it is the player selecting a button to indicate that his or her turn is over which generates any such sound effect.

One embodiment of the present invention is directed to a gaming device having a game initiated by a wager made by the player which includes a plurality of non-targets or pitfalls displayed by a display device which are a same proximity from a target or non-pitfall. The processor causes a speaker to generate a sound effect when one of the non-targets or pitfalls within the predetermined proximity for the target is selected. Beall does not anticipate the present invention, and the present invention would not have

been obvious to one having ordinary skill in the art, at the time of the present invention, in light of Beall.

The July 23, 2002, Office Action rejected Claims 65 to 68, and 116 to 117 under 35 U.S.C. 102(a) as being anticipated Chutes™ and Ladders CD. Chutes™ and Ladders provides a game having a path along which one or more game pieces move along. During the game, first player is prompted to initiate the spin of a wheel which includes numbers one through six. A player, using a mouse, clicks on the wheel, the wheel spins and depending on where the wheel stops, a number one through six is generated. The first player is then prompted to move the first player's game piece along the path a number of spaces corresponding to the generated number. A second player is then prompted to initiate the spin of the wheel and another number is generated by the wheel. The second player is then prompted to move his or her game piece the number of spaces along the path corresponding to the second player's generated number. The players take turns until one of the player's game pieces reaches a destination. Along the path there are a plurality of alternative routes which may advance or hinder the players' progress in reaching the final destination. Chutes™ and Ladders does not provide a sound effect which is associated with any proximity, distance or spatial relationship between the two game pieces. Upon careful review, the Chutes™ and Ladders game provides an audio-visual effect to indicate how many spaces the player's game piece must move during the player's turn. Chutes™ and Ladders does not suggest having the predetermined proximity of the chasing element because the object of Chutes™ and Ladders is for one of the gaming pieces to reach the end of the path first. Chutes™ and Ladders also does not disclose, teach or suggest the sound effect associated with the predetermined proximity or the processor causing the speaker to generate the sound effect when the chasing element is within the predetermined proximity for the chasing element. The present invention is not anticipated by Chutes™ and Ladders, and the present invention would not have been obvious to one having ordinary skill in the art, at the time of the present invention.

More specifically, Claim 34 is directed to a gaming device having a target, a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, a display device adapted to display the target

and non-targets, at least one speaker, and a sound effect associated with the predetermined proximity. The gaming device also includes a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, and causing the speaker to generate the sound effect when one of the non-targets within the predetermined proximity from the target is selected. Beall does not disclose, teach or suggest the plurality non-targets which includes at least two non-targets which are each a same predetermined proximity from the target. Beall also does not disclose, teach or suggest having the display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the sound effect associated with the predetermined proximity. Beall does not disclose, teach or suggest the processor causing the speaker to generate the sound effect when one of the non-targets within the predetermined proximity from the target is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 34 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 35 to 44, which depend from Claim 34, are patentably distinguished over Beall and are in condition for allowance.

Claim 45 is directed to a gaming device having a game operable upon wager by a player, a target, a plurality of non-targets including at least two non-targets which are each within a same predefined distance from the target, a display device adapted to display the target and non-targets, means for selecting the target and non-targets, and at least one sound effect associated with the predefined distance. The gaming device also includes means for generating the sound effect during the game when the selecting means selects one of the non-targets which is within the predefined distance from the target. Beall does not disclose, teach or suggest the plurality non-targets which include at least two on-targets which are each within the same predefined distance from the target. Beall also does not disclose, teach or suggest the display device adapted to display the target and non-targets. Beall also does not disclose, teach or suggest the means for generating the sound effect when the selecting means selects one of the non-targets which is within the predefined distance from the target. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a

gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 45 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claim 46, which depends Claim 45, is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 34, Claim 47 is directed to a gaming device having a target, a plurality of non-targets including at least two non-targets which are each a same first predetermined proximity from the target and including at least two non-targets which are each a same second predetermined proximity from the target, and a display device adapted to display the target and non-targets. The gaming device also includes at least one speaker, a first sound effect associated with the first predetermined proximity, a second sound effect, which is different from the first sound effect, associated with the second predetermined proximity, and a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, and causing the speaker to generate the first sound effect when one of the non-targets within the first predetermined proximity from the target is selected, and to generate the second different sound effect when one of the non-targets within the second predetermined proximity from the target is selected. Beall does not disclose, teach or suggest the plurality of non-targets including at least two non-targets which are each the same first predetermined proximity from the target and including at least two non-targets which are each the same second predetermined proximity from the target. Beall also does not disclose, teach or suggest the display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the first sound effect associated with the first predetermined proximity, and the second sound effect, which is different from the first sound effect, associated with the second predetermined proximity. Beall does not disclose, teach or suggest the processor causing the speaker to generate the first sound effect when one of the non-targets within the first predetermined proximity from the target is selected, and to generate the second different sound effect when one of the non-targets within the second predetermined proximity from the target is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including wagering game. Accordingly, it is respectfully submitted that Claim 47 is patentably distinguished over Beall and is in condition for

allowance. It is also respectfully submitted that Claims 48 to 49, which depend from Claim 47, are patentably distinguished over Beall and are in condition for allowance.

Claim 50 is directed to a gaming device having a target, a plurality of non-targets, a display device adapted to display the target and non-targets, at least one speaker, a plurality of sound effect, and a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, causing the speaker to generate a first sound effect randomly chosen from the sound effects when one of the non-targets is selected, and causing the speaker to generate a different sound effect randomly chosen from the sound effects each time one of the non-targets is selected. Beall does not disclose, teach or suggest the display device adapted to display the target and non-targets. Beall does not disclose teach or suggest the processor causing the speaker to generate the first sound effect randomly chosen from the sound effects when one of the non-targets is selected, and causing the speaker to generate a different sound effect randomly chosen from the sound effects each time one of the non-targets is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 50 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 51 to 52 which depend from Claim 50 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 50, Claim 53 is directed to a gaming device having a target, a plurality of non-targets, a display device adapted to display the target and non-targets, at least one speaker, and a plurality of sound effects. The gaming device also includes a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, causing the speaker to generate a first sound effect chosen from the sound effects when one of the non-targets is selected, and causing the speaker to generate a second different sound effect chosen from the sound effects when the same non-target is selected. Beall does not disclose, teach or suggest the display device adapted to display the target and the non-targets. Beall does not disclose, teach or suggest the processor causing the speaker to generate a first sound effect chosen from the sound effects when one of the non-targets is selected, and

causing the speaker to generate a second different sound effect chosen from the sound effects when the same non-target is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 53 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 54 to 55 which depend from Claim 53 are patentably distinguished over Beall and are in condition for allowance.

Claim 56 which is directed to a gaming device which includes a target, a plurality of non-targets, a display device adapted to display the target and non-targets, at least one speaker, a sound effect, and a predetermined number of times associated with the non-targets. The gaming device also includes a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, counting the number of times one of the non-targets is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when one of the non-targets is selected. Beall does not disclose, teach or suggest the display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the predetermined number of times associated with the non-targets. Beall does not disclose, teach or suggest the processor counting the number of times one of the non-targets is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when one of the non-targets is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 56 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 57 to 58 which depend from Claim 56 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 34 and Claim 56, Claim 59 is directed to a gaming device having a target, a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, a display device adapted to display the target and non-targets, at least one speaker, a sound effect associated with the predetermined proximity, and a predetermined number of times associated with the predetermined proximity from the target. The gaming device includes a processor

operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, counting the number of times one of the non-targets within the predetermined proximity from the target is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when the processor selects one of the non-targets within the predetermined proximity from the target. Beall does not disclose, teach or suggest the plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, a display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the a display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the sound effect associated with the predetermined proximity or the predetermined number of times associated with the predetermined proximity from the target. Beall also does not disclose, teach or suggest the processor counting the number of times one of the non-targets within the predetermined proximity from the target is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when the processor selects one of the non-targets within the predetermined proximity from the target. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 59 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 60 to 61 which depend from Claim 59 are patentably distinguished over and are in condition for allowance.

Claim 62 is directed to a gaming device having a target, a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, a display device adapted to display the target and non-targets, at least one speaker, a first sound effect associated with the predetermined proximity, a second sound effect, which is different from the first sound effect, associated with the predetermined proximity, and a predetermined number of times associated with the predetermined proximity from the target. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the target or one of the non-targets, counting the number of times one of the non-targets within the

predetermined proximity from the target is selected, causing the speaker to generate the first sound effect when one of the non-targets within the predetermined proximity from the target is selected, and upon reaching the predetermined number, causing the speaker to generate the second different sound effect when one of the non-targets within the predetermined proximity from the target is selected. Beall does not disclose, teach or suggest the plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target. Beall does not disclose, teach or suggest the display device adapted to display the target and non-targets. Beall does not disclose, teach or suggest the first sound effect associated with the predetermined proximity, the second sound effect, which is different from the first sound effect, associated with the predetermined proximity, and the predetermined number of times associated with the predetermined proximity from the target. Beall does not disclose, teach or suggest the processor counting the number of times one of the non-targets within the predetermined proximity from the target is selected, causing the speaker to generate the first sound effect when one of the non-targets within the predetermined proximity from the target is selected, and upon reaching the predetermined number, causing the speaker to generate the second different sound effect when one of the non-targets within the predetermined proximity from the target is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 62 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 63 to 64 which depend from Claim 62 are patentably distinguished over Beall and are in condition for allowance.

Claim 65 is directed to a gaming device having a path, a fleeing element which moves along the path, a chasing element which also moves along the path, a display device adapted to display the path, chasing element and fleeing element, a predetermined proximity of the fleeing element from the chasing element, and at least one speaker. The gaming device also includes the sound effect associated with the predetermined proximity, and a processor for causing the display device to display the fleeing element moving a first random distance along the path and the chasing element moving a second random distance along the path and the chasing element moving the

second random distance along the path, and causing the speaker to generate the sound effect when the chasing element is within the predetermined proximity from the fleeing element. Chutes™ and Ladders does not disclose, teach or suggest the predetermined proximity of the fleeing element from the chasing element. Chutes™ and Ladders does not disclose, teach or suggest the processor causing the speaker to generate the sound effect when the chasing element is within the predetermined proximity from the fleeing element. Accordingly, it is respectfully submitted that Claim 65 is patentably distinguished over Chutes™ and Ladders and is in condition for allowance. It is also respectfully submitted that Claim 66 which depends from Claim 65 is patentably distinguished over Chutes™ and Ladders and is in condition for allowance.

Claim 67 is directed to a gaming device having a path, a fleeing element which moves along the path, a chasing element which moves along the path, a display device adapted to display the path, chasing element and fleeing element, and a predetermined proximity of the fleeing element from the chasing element. The gaming device includes at least one speaker, a sound effect associated with the predetermined proximity, and a processor for causing the display device to display the fleeing element moving a first random distance along the path, and the chasing element moving a second random distance along the path, and causing the speaker to generate the sound effect when the chasing element is outside of the predetermined proximity from the fleeing element. Chutes™ and Ladders does not disclose, teach or suggest the predetermined proximity of the fleeing element from the chasing element. Chutes™ and Ladders does not disclose, teach or suggest the processor causing the speaker to generate the sound effect when the chasing element is outside of the predetermined proximity from the fleeing element. Accordingly, it is respectfully submitted that Claim 67 is patentably distinguished over Chutes™ and Ladders and is in condition for allowance. It is also respectfully submitted that Claim 68 which depends from Claim 67 is patentably distinguished over Chutes™ and Ladders and is in condition for allowance.

Claim 69 is directed to a gaming device having a plurality of targets, a display device adapted to display the targets, at least one speaker, a first plurality of sound effects, and a processor operable to control a game upon a wager by a player for causing selection of one of the targets or none of the targets, and causing the speaker

to generate a first sound effect chosen from the first plurality of sound effects when none of the targets are selected and causing the speaker to generate a different sound effect chosen from the first plurality of sound effects each consecutive time none of the targets are selected. Beall does not disclose, teach or suggest the processor causing the speaker to generate the different sound effect chosen from the first plurality of sound effects each consecutive time none of the targets are selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 69 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 71 to 73 which depend from Claim 69 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 34, Claim 74 is directed to a gaming device having a pitfall, a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, a sound effect associated with the predetermined proximity, and a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, and causing the speaker to generate the sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected. Beall does not disclose, teach or suggest the plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the processor for causing the speaker to generate the sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 74 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 75 to 83 which depend from Claim 74 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 45, Claim 84 is directed to a gaming device having a game operable upon a wager by a player, a pitfall, a plurality of non-pitfalls including at least two non-pitfalls which are each within a same predefined distance from the pitfall, a display device adapted to display the pitfall and non-pitfalls, means for selecting the pitfall and non-pitfalls, and at least one sound effect associated with the predefined distance. The gaming device also includes means for generating the sound effect when the selecting means selects one of the non-pitfalls which is within the predefined distance from the pitfall. Beall does not disclose, teach or suggest the plurality of non-pitfalls including at least two non-pitfalls which are each within a same predefined distance from the pitfall. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest means for selecting at least one sound effect associated with the predefined distance. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 84 is patentably distinguished over Beall record and is in condition for allowance. It is also respectfully submitted that Claim 85 which depends from Claim 84 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 74 and Claim 47, Claims 86 is directed to a gaming device having a pitfall, a plurality of non-pitfalls including at least two non-pitfalls which are each a same first predetermined proximity from the pitfall and including at least two non-pitfalls which are each a same second predetermined proximity from the pitfall, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, a first sound effect associated with the first predetermined proximity, and a second sound effect, which is different from the first sound effect, associated with the second predetermined proximity. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, and causing the speaker to generate the first sound effect when one of the non-pitfalls within the first predetermined proximity from the pitfall is selected, and to generate the second different sound effect when one of the non-pitfalls within the second predetermined proximity from the pitfall is selected. Beall does not disclose, teach or suggest the plurality of non-pitfalls including at least two non-pitfalls which are each a same first

predetermined proximity from the pitfall and including at least two non-pitfalls which are each a same second predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the processor causing the speaker to generate the first sound effect when one of the non-pitfalls within the first predetermined proximity from the pitfall is selected, and to generate the second different sound effect when one of the non-pitfalls within the second predetermined proximity from the pitfall is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 86 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 87 to 88 which depend from Claim 86 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 50, Claim 89 is directed to a gaming device having a pitfall, a plurality of non-pitfalls, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, and a plurality of sound effects. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, causing the speaker to generate a first sound effect randomly chosen from the sound effects when one of the non-pitfalls is selected, and causing the speaker to generate a different sound effect randomly chosen from the sound effects each time one of the non-pitfalls is selected. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the processor causing the speaker to generate a different sound effect randomly chosen from the sound effects each time one of the non-pitfalls is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 89 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 90 to 91 which depend from Claim 89 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 53, Claim 92 is directed a gaming device having a pitfall, a plurality of non-pitfalls, a display device adapted to display the pitfall and non-pitfalls, at

least one speaker, a plurality of sound effects, and a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, causing the speaker to generate a first sound effect chosen from the sound effects when one of the non-pitfalls is selected, and causing the speaker to generate a second different sound effect chosen from the sound effects when the same non-pitfall is selected. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the processor causing the speaker to generate a first sound effect chosen from the sound effects when one of the non-pitfalls is selected, and causing the speaker to generate a second different sound effect chosen from the sound effects when the same non-pitfall is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 92 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 93 to 94 which depend from Claim 92 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 59, Claim 95 is directed to a gaming device having a pitfall, a plurality of non-pitfalls, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, a sound effect, and a predetermined number of times associated with the non-pitfalls. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when one of the non-pitfalls is selected. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose teach or suggest the predetermined number of times associated with the non-pitfalls. Beall does not disclose teach or suggest the processor counting the number of times one of the non-pitfalls is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when one of the non-pitfalls is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is

respectfully submitted that Claim 95 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 96 to 97 which depend from Claim 95 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 62, Claim 98 is directed to a gaming device having a pitfall, a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, a sound effect associated with the predetermined proximity, and a predetermined number of times associated with the predetermined proximity from the pitfall. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls within the predetermined proximity from the pitfall is selected, and upon reaching the predetermined number, causing the speaker to generate the sound effect when the processor selects one of the non-pitfalls within the predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the plurality of non-pitfalls including at least two non-pitfalls which are each the same predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the sound effect associated with the predetermined proximity. Beall does not disclose, teach or suggest the predetermined number of times associated with the predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the processor causing the speaker to generate the sound effect when the processor selects one of the non-pitfalls within the predetermined proximity from the pitfall. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 98 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 99 to 100 which depend from Claim 97 are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 65, Claim 101 is directed to a gaming device having a pitfall, a plurality of non-pitfalls including at least two non-pitfalls which are each a same

predetermined proximity from the pitfall, a display device adapted to display the pitfall and non-pitfalls, at least one speaker, a first sound effect associated with the predetermined proximity, a second sound effect, which is different from the first sound effect, associated with the predetermined proximity, and a predetermined number of times associated with the predetermined proximity from the pitfall. The gaming device includes a processor operable to control a game upon a wager by a player, for causing selection of the pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls within the predetermined proximity from the pitfall is selected, causing the speaker to generate the first sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected, and upon reaching the predetermined number, causing the speaker to generate the second different sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected. Beall does not disclose, teach or suggest the plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the display device adapted to display the pitfall and non-pitfalls. Beall does not disclose, teach or suggest the first sound effect associated with the predetermined proximity, and the second sound effect, which is different from the first sound effect, associated with the predetermined proximity. Beall does not disclose, teach or suggest the predetermined number of times associated with the predetermined proximity from the pitfall. Beall does not disclose, teach or suggest the processor counting the number of times one of the non-pitfalls within the predetermined proximity from the pitfall is selected, causing the speaker to generate the first sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected, and upon reaching the predetermined number, causing the speaker to generate the second different sound effect when one of the non-pitfalls within the predetermined proximity from the pitfall is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a gaming device including a wagering game. Accordingly, it is respectfully submitted that Claim 101 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 102 to 103 which depend from Claim 101 are patentably distinguished over Beall and are in condition for allowance.

Claim 104 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, selecting either the target or one of the non-targets, and generating a sound effect associated with the predetermined proximity when one of the non-targets selected is within the predetermined proximity. Beall does not disclose, teach or suggest displaying the plurality of non-targets including at least two non-targets which are each the same predetermined proximity from the target, selecting either the target or one of the non-targets. Beall does not disclose, teach or suggest generating the sound effect associated with the predetermined proximity when one of the non-targets selected is within the predetermined proximity. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 104 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 105 to 108 which depend from Claim 104 are patentably distinguished over Beall and are in condition for allowance.

Claim 109 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets including at least two non-targets which are each within a same predefined distance from the target, selecting either the target or one of the non-targets, and generating a sound effect associated with the predefined distance when one of the non-targets selected is within the predefined distance. Beall does not disclose, teach or suggest displaying the plurality of non-targets including at least two non-targets which are each within the same predefined distance from the target. Beall does not disclose, teach or suggest generating the sound effect associated with the predefined distance when one of the non-targets selected is within the predefined distance. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method of including a wagering game. Accordingly, it is respectfully submitted that Claim 109 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 104, Claim 110 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets including at least two non-targets which are each a same first predetermined proximity from the target and including at least two non-targets which are each a same second predetermined proximity from the target, selecting either the target or one of the non-targets, and generating a first sound effect associated with the first predetermined proximity when one of the non-targets selected is within the first predetermined proximity. The method also includes generating a second different sound effect associated with the second predetermined proximity when one of the non-targets selected is within the second predetermined proximity. Beall does not disclose, teach or suggest displaying a plurality of non-targets including at least two non-targets which are each a same first predetermined proximity from the target and including at least two non-targets which are each a same second predetermined proximity from the target. Beall does not disclose, teach or suggest generating the first sound effect associated with the first predetermined proximity when one of the non-targets selected is within the first predetermined proximity, and generating the second different sound effect associated with the second predetermined proximity when one of the non-targets selected is within the second predetermined proximity. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 110 is patentably distinguished over Beall and is in condition for allowance.

Claim 111 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets, selecting either the target or one of the non-targets, generating a first sound effect randomly chosen from a plurality of sound effects when one of the non-targets is selected; selecting either the target or one of the non-targets, and generating a second different sound effect randomly chosen from the plurality of sound effects when one of the non-targets is consecutively chosen. Beall does not disclose, teach or suggest displaying the plurality of non-targets. Beall does not disclose, teach or suggest generating the first sound effect randomly chosen from a

plurality of sound effects when one of the non-targets is selected, or generating the second different sound effect randomly chosen from the plurality of sound effects when one of the non-targets is consecutively chosen. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 111 is patentably distinguished over Beall and is in condition for allowance.

Claim 112 is directed to the method of operating a gaming device. The method includes the steps of displaying a target, displaying a plurality of non-targets, selecting either the target or one of the non-targets, generating a first sound effect when a non-target from the non-targets is selected, selecting either the target or one of the non-targets, and generating a second different sound effect when the same non-target is consecutively selected. Beall does not disclose, teach or suggest displaying the plurality of non-targets. Beall does not disclose, teach or suggest generating a first sound effect when a non-target from the non-targets is selected, or generating a second different sound effect when the same non-target is consecutively selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 112 is patentably distinguished over Beall and is in condition for allowance.

Claim 113 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets, selecting either the target or one of the non-targets a plurality of times, counting the number of times one of the non-targets is selected, reaching a predetermined number of times one of the non-targets is selected, and generating a sound effect when one of the non-targets is selected after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying the plurality of non-targets. Beall does not disclose, teach or suggest counting the number of times one of the non-targets is selected, reaching the predetermined number of times one of the non-targets is selected, and generating the sound effect when one of the non-targets is selected after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is

respectfully submitted that Claim 113 is patentably distinguished over Beall and is in condition for allowance.

Claim 114 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, selecting either the target or one of the non-targets a plurality of times, counting the number of times one of the non-targets is selected from within the predetermined proximity from the target, and reaching a predetermined number of times one of the non-targets is selected from within the predetermined proximity from the target. The method also includes generating a sound effect when one of the non-targets is selected from within the predetermined proximity from the target after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying the plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target. also does not disclose, teach or suggest counting the number of times one of the non-targets is selected from within the predetermined proximity from the target, and reaching a predetermined number of times one of the non-targets is selected from within the predetermined proximity from the target. Beall does not disclose, teach or suggest generating the sound effect when one of the non-targets is selected from within the predetermined proximity from the target after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 114 is patentably distinguished over Beall and is in condition for allowance.

Claim 115 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a target, displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target, selecting either the target or one of the non-targets a plurality of times, generating a first sound effect when one of the non-targets is selected from within the predetermined proximity, counting the number of times one of the non-targets is selected from within the predetermined proximity from

the target, and reaching a predetermined number of times one of the non-targets is selected from within the predetermined proximity from the target. The method also includes generating a second different sound effect when one of the non-targets is selected from within the predetermined proximity from the target after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from the target. Beall does not disclose, teach or suggest generating the first sound effect when one of the non-targets is selected from within the predetermined proximity, counting the number of times one of the non-targets is selected from within the predetermined proximity from the target, and reaching a predetermined number of times one of the non-targets is selected from within the predetermined proximity from the target. Beall does not disclose, teach or suggest generating a second different sound effect when one of the non-targets is selected from within the predetermined proximity from the target after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 115 is patentably distinguished over Beall and is in condition for allowance.

Claim 116 is directed to a method of operating a gaming device. The method includes displaying a path, displaying a fleeing element, displaying a chasing element, moving the fleeing element a first random distance along the path, moving the chasing element a second random distance along the path, and generating a sound effect when the chasing element is within the predetermined proximity from the fleeing element. Chutes™ and Ladders does not disclose, teach or suggest generating a sound effect when the chasing element is within the predetermined proximity from the fleeing element. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 116 is patentably distinguished over Beall and is in condition for allowance.

Claim 117 is directed to a method of operating a gaming device. The method includes displaying a path, displaying a fleeing element, displaying a chasing element,

moving the fleeing element a first random distance along the path, moving the chasing element a second random distance along the path, and generating a sound effect when the chasing element is outside a predetermined proximity from the fleeing element. Chutes™ and Ladders does not disclose, teach or suggest generating a sound effect when the chasing element is outside a predetermined proximity from the fleeing element. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 117 is patentably distinguished over Chutes™ and Ladders and is in condition for allowance.

Claim 118 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a plurality of targets, randomly selecting none of the targets or one of the targets, generating a first sound effect chosen randomly from a first plurality of sound effects when no target is selected, generating a second sound effect chosen randomly from a second different plurality of sound effects when one of the targets is selected, and randomly selecting none of the targets or one of the targets. The method also includes generating a third different sound effect chosen randomly from the first plurality of sound effects when no target is selected, and generating a fourth different sound effect chosen randomly from the second different plurality of sound effects when one of the targets is selected. Beall does not disclose, teach or suggest generating the first sound effect chosen randomly from the first plurality of sound effects when no target is selected, generating the second sound effect chosen randomly from the second different plurality of sound effects when one of the targets is selected, randomly selecting none of the targets or one of the targets, generating the third different sound effect chosen randomly from the first plurality of sound effects when no target is selected, and generating the fourth different sound effect chosen randomly from the second different plurality of sound effects when one of the targets is selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 118 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 114, Claim 119 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall, selecting either the pitfall or one of the non-pitfalls, and generating a sound effect associated with the predetermined proximity when one of the non-pitfalls selected is within the predetermined proximity. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest generating a sound effect associated with the predetermined proximity when one of the non-pitfalls selected is within the predetermined proximity. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 119 is patentably distinguished over Beall and is in condition for allowance. It is also respectfully submitted that Claims 120 to 123, which depend from Claim 119, are patentably distinguished over Beall and are in condition for allowance.

Similar to Claim 109, Claim 124 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls including at least two non-pitfalls which are each within a same predefined distance from the pitfall; selecting either the pitfall or one of the non-pitfalls, and generating a sound effect associated with the predefined distance when one of the non-pitfalls selected is within the predefined distance. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest generating a sound effect associated with the predefined distance when one of the non-pitfalls selected is within the predefined distance. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 124 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 110, Claim 125 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls including at least two non-pitfalls

which are each a same first predetermined proximity from the pitfall and including at least two non-pitfalls which are each a same second predetermined proximity from the pitfall, selecting either the pitfall or one of the non-pitfalls, generating a first sound effect associated with the first predetermined proximity when one of the non-pitfalls selected is within the first predetermined proximity, and generating a second different sound effect associated with the second predetermined proximity when one of the non-pitfalls selected is within the second predetermined proximity. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest generating the first sound effect associated with the first predetermined proximity when one of the non-pitfalls selected is within the first predetermined proximity, and generating the second different sound effect associated with the second predetermined proximity when one of the non-pitfalls selected is within the second predetermined proximity. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 125 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 111, Claim 126 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls, selecting either the pitfall or one of the non-pitfalls, generating a first sound effect randomly chosen from a plurality of sound effects when one of the non-pitfalls is selected, and selecting either the pitfall or one of the non-pitfalls. The method also includes the steps of generating a second different sound effect randomly chosen from the plurality of sound effects when one of the non-pitfalls is consecutively chosen. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest generating the first sound effect randomly chosen from a plurality of sound effects when one of the non-pitfalls is selected, or generating a second different sound effect randomly chosen from the plurality of sound effects when one of the non-pitfalls is consecutively chosen. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 126 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 112, Claim 127 is directed to a method of operating a gaming device. The method includes operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls, selecting either the pitfall or one of the non-pitfalls, generating a first sound effect when a non-pitfall from the non-pitfalls is selected, and selecting either the pitfall or one of the non-pitfalls. The method also includes generating a second different sound effect when the same non-pitfall is consecutively selected. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest. generating a first sound effect when a non-pitfall from the non-pitfalls is selected, or generating a second different sound effect when the same non-pitfall is consecutively selected. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 127 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 113, Claim 128 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls, selecting either the pitfall or one of the non-pitfalls a plurality of times, counting the number of times one of the non-pitfalls is selected, and reaching a predetermined number of times one of the non-pitfalls is selected. The method also includes generating a sound effect when one of the non-pitfalls is selected after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest counting the number of times one of the non-pitfalls is selected, and reaching a predetermined number of times one of the non-pitfalls is selected. Beall also does not disclose, teach or suggest generating a sound effect when one of the non-pitfalls is selected after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 128 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 114, Claim 129 is directed to a method of operating the gaming device. The method includes operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls including at least two non-pitfalls which are

each a same predetermined proximity from the pitfall, selecting either the pitfall or one of the non-pitfalls a plurality of times, counting the number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, and reaching a predetermined number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall. The method also includes generating a sound effect when one of the non-pitfalls is selected from within the predetermined proximity from the pitfall after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest counting the number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, or reaching a predetermined number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall. Beall also do not disclose, teach or suggest generating a sound effect when one of the non-pitfalls is selected from within the predetermined proximity from the pitfall after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 129 is patentably distinguished over Beall and is in condition for allowance.

Similar to Claim 115, Claim 130 is directed to a method of operating a gaming device. The method includes the steps of operating a game upon a wager by a player, displaying a pitfall, displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from the pitfall, selecting either the pitfall or one of the non-pitfalls a plurality of times, and generating a first sound effect when one of the non-pitfalls is selected from within the predetermined proximity. The method also includes the steps of counting the number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, reaching a predetermined number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, and generating a second different sound effect when one of the non-pitfalls is selected from within the predetermined proximity from the pitfall after the predetermined number of times is reached. Beall does not disclose, teach or suggest displaying the pitfall. Beall does not disclose, teach or suggest the generating the sound effect when one of the non-pitfalls is selected from within the

predetermined proximity. Beall does not disclose, teach or suggest counting the number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, reaching a predetermined number of times one of the non-pitfalls is selected from within the predetermined proximity from the pitfall, and generating a second different sound effect when one of the non-pitfalls is selected from within the predetermined proximity from the pitfall after the predetermined number of times is reached. Moreover, Beall is directed to a game without wagering whereas the present invention is directed to a method including a wagering game. Accordingly, it is respectfully submitted that Claim 129 is patentably distinguished over Beall and is in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made.**"

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the applicants' attorney, Adam Masia, to discuss this Response.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in cursive script, appearing to read "Adam H. Masia", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 34 to 64, 69 to 115, and 118 to 130 have been reinstated.

Claim 34 has been amended as follows:

34. (Reinstated and Amended) A gaming device comprising:
- a target;
 - a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;
 - a display device adapted to display said target and non-targets;
 - at least one speaker;
 - a sound effect associated with said predetermined proximity; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, and causing said speaker to generate said sound effect when one of the non-targets within said predetermined proximity from said target is selected.

Claim 45 has been amended as follows:

45. (Reinstated and Amended) A gaming device comprising:
- a game operable upon a wager by a player;
 - a target;
 - a plurality of non-targets including at least two non-targets which are each within a same predefined distance from said target;
 - a display device adapted to display said target and non-targets;
 - means for selecting said target and non-targets;
 - at least one sound effect associated with said predefined distance; and
 - means for generating the sound effect during said game when the selecting means selects one of the non-targets which is within said predefined distance from said target.

Claim 47 has been amended as follows:

47. (Reinstated and Amended) A gaming device comprising:

- a target;
- a plurality of non-targets including at least two non-targets which are each a same first predetermined proximity from said target and including at least two non-targets which are each a same second predetermined proximity from said target;
- a display device adapted to display said target and non-targets;
- at least one speaker;
- a first sound effect associated with said first predetermined proximity;
- a second sound effect, which is different from the first sound effect, associated with said second predetermined proximity; and
- a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, and causing the speaker to generate said first sound effect when one of the non-targets within said first predetermined proximity from said target is selected, and to generate said second different sound effect when one of the non-targets within said second predetermined proximity from said target is selected.

Claim 50 has been amended as follows:

50. (Reinstated and Amended) A gaming device comprising:

- a target;
- a plurality of non-targets;
- a display device adapted to display said target and non-targets;
- at least one speaker;
- a plurality of sound effects; and
- a processor operable to control a game upon a wager by a player, for causing selection of said target or one of said non-targets, causing the speaker to generate a first sound effect randomly chosen from said sound effects when one of said non-targets is selected, and causing the speaker to generate a different sound effect randomly chosen from said sound effects each time one of said non-targets is selected.

Claim 53 has been amended as follows:

53. (Reinstated and Amended) A gaming device comprising;
- a target;
 - a plurality of non-targets;
 - a display device adapted to display said target and non-targets;
 - at least one speaker;
 - a plurality of sound effects; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, causing the speaker to generate a first sound effect chosen from said sound effects when one of said non-targets is selected, and causing the speaker to generate a second different sound effect chosen from said sound effects when the same non-target is selected.

Claim 56 has been amended as follows:

56. (Reinstated and Amended) A gaming device comprising:
- a target;
 - a plurality of non-targets;
 - a display device adapted to display said target and non-targets;
 - at least one speaker;
 - a sound effect;
 - a predetermined number of times associated with the non-targets; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, counting the number of times one of the non-targets is selected, and upon reaching said predetermined number, causing the speaker to generate said sound effect when one of the non-targets is selected.

Claim 59 has been amended as follows:

59. (Reinstated and Amended) A gaming device comprising:

- a target;

- a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;

- a display device adapted to display said target and non-targets;

- at least one speaker;

- a sound effect associated with said predetermined proximity;

- a predetermined number of times associated with said predetermined proximity from said target; and

- a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, counting the number of times one of the non-targets within said predetermined proximity from said target is selected, and upon reaching said predetermined number, causing the speaker to generate said sound effect when said processor selects one of the non-targets within said predetermined proximity from said target.

Claim 62 has been amended as follows:

62. (Reinstated and Amended) A gaming device comprising:

- a target;
- a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;
- a display device adapted to display said target and non-targets;
- at least one speaker;
- a first sound effect associated with said predetermined proximity;
- a second sound effect, which is different from the first sound effect, associated with said predetermined proximity;
- a predetermined number of times associated with said predetermined proximity from said target; and
- a processor operable to control a game upon a wager by a player, for causing selection of said target or one of the non-targets, counting the number of times one of the non-targets within said predetermined proximity from said target is selected, causing the speaker to generate said first sound effect when one of the non-targets within said predetermined proximity from said target is selected, and upon reaching said predetermined number, causing the speaker to generate said second different sound effect when one of the non-targets within said predetermined proximity from said target is selected.

Claim 69 has been amended as follows:

69. (Reinstated and Amended) A gaming device comprising:
a plurality of targets;
a display device adapted to display said targets;
at least one speaker;
a first plurality of sound effects; and
a processor operable to control a game upon a wager by a player, for causing selection of one of said targets or none of said targets, and causing the speaker to generate a first sound effect chosen from said first plurality of sound effects when none of said targets are selected and causing the speaker to generate a different sound effect chosen from said first plurality of sound effects each consecutive time none of said targets are selected.

Claim 74 has been amended as follows:

74. (Reinstated and Amended) A gaming device comprising:
a pitfall;
a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;
a display device adapted to display said pitfall and non-pitfalls;
at least one speaker;
a sound effect associated with said predetermined proximity; and
a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, and causing said speaker to generate said sound effect when one of the non-pitfalls within said predetermined proximity from said pitfall is selected.

Claim 84 has been amended as follows:

84. (Reinstated) A gaming device comprising:
a game operable upon a wager by a player;
a pitfall;
a plurality of non-pitfalls including at least two non-pitfalls which are each within a same predefined distance from said pitfall;
a display device adapted to display said pitfall and non-pitfalls;
means for selecting said pitfall and non-pitfalls;
at least one sound effect associated with said predefined distance; and
means for generating the sound effect during said game when the selecting means selects one of the non-pitfalls which is within said predefined distance from said pitfall.

Claim 86 has been amended as follows:

86. (Reinstated and Amended) A gaming device comprising:
a pitfall;
a plurality of non-pitfalls including at least two non-pitfalls which are each a same first predetermined proximity from said pitfall and including at least two non-pitfalls which are each a same second predetermined proximity from said pitfall;
a display device adapted to display said pitfall and non-pitfalls;
at least one speaker;
a first sound effect associated with said first predetermined proximity;
a second sound effect, which is different from the first sound effect, associated with said second predetermined proximity; and
a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, and causing the speaker to generate said first sound effect when one of the non-pitfalls within said first predetermined proximity from said pitfall is selected, and to generate said second different sound effect when one of the non-pitfalls within said second predetermined proximity from said pitfall is selected.

Claim 89 has been amended as follows:

89. (Reinstated and Amended) A gaming device comprising:
- a pitfall;
 - a plurality of non-pitfalls;
 - a display device adapted to display said pitfall and non-pitfalls;
 - at least one speaker;
 - a plurality of sound effects; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of said non-pitfalls, causing the speaker to generate a first sound effect randomly chosen from said sound effects when one of said non-pitfalls is selected, and causing the speaker to generate a different sound effect randomly chosen from said sound effects each time one of said non-pitfalls is selected.

Claim 92 has been amended as follows:

92. (Reinstated and Amended) A gaming device comprising;
- a pitfall;
 - a plurality of non-pitfalls;
 - a display device adapted to display said pitfall and non-pitfalls;
 - at least one speaker;
 - a plurality of sound effects; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, causing the speaker to generate a first sound effect chosen from said sound effects when one of said non-pitfalls is selected, and causing the speaker to generate a second different sound effect chosen from said sound effects when the same non-pitfall is selected.

Claim 95 has been amended as follows:

95. (Reinstated and Amended) A gaming device comprising:
- a pitfall;
 - a plurality of non-pitfalls;
 - a display device adapted to display said pitfall and non-pitfalls;
 - at least one speaker;
 - a sound effect;
 - a predetermined number of times associated with the non-pitfalls; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls is selected, and upon reaching said predetermined number, causing the speaker to generate said sound effect when one of the non-pitfalls is selected.

Claim 98 has been amended as follows:

98. (Reinstated and Amended) A gaming device comprising:
- a pitfall;
 - a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;
 - a display device adapted to display said pitfall and non-pitfalls;
 - at least one speaker;
 - a sound effect associated with said predetermined proximity;
 - a predetermined number of times associated with said predetermined proximity from said pitfall; and
 - a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls within said predetermined proximity from said pitfall is selected, and upon reaching said predetermined number, causing the speaker to generate said sound effect when said processor selects one of the non-pitfalls within said predetermined proximity from said pitfall.

Claim 101 has been amended as follows:

101. (Reinstated and Amended) A gaming device comprising:

- a pitfall;

- a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;

- a display device adapted to display said pitfall and non-pitfalls;

- at least one speaker;

- a first sound effect associated with said predetermined proximity;

- a second sound effect, which is different from the first sound effect, associated with said predetermined proximity;

- a predetermined number of times associated with said predetermined proximity from said pitfall; and

- a processor operable to control a game upon a wager by a player, for causing selection of said pitfall or one of the non-pitfalls, counting the number of times one of the non-pitfalls within said predetermined proximity from said pitfall is selected, causing the speaker to generate said first sound effect when one of the non-pitfalls within said predetermined proximity from said pitfall is selected, and upon reaching said predetermined number, causing the speaker to generate said second different sound effect when one of the non-pitfalls within said predetermined proximity from said pitfall is selected.

Claim 104 has been amended as follows:

104. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;
- (d) selecting either said target or one of the non-targets; and
- (e) generating a sound effect associated with said predetermined proximity when one of said non-targets selected is within said predetermined proximity.

Claim 109 has been amended as follows:

109. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets including at least two non-targets which are each within a same predefined distance from said target;
- (d) selecting either said target or one of the non-targets; and
- (e) generating a sound effect associated with said predefined distance when one of said non-targets selected is within said predefined distance.

Claim 110 has been amended as follows:

110. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by the player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets including at least two non-targets which are each a same first predetermined proximity from said target and including at least two non-targets which are each a same second predetermined proximity from said target;
- (d) selecting either said target or one of the non-targets;
- (e) generating a first sound effect associated with said first predetermined proximity when one of the non-targets selected is within said first predetermined proximity; and
- (f) generating a second different sound effect associated with said second predetermined proximity when one of the non-targets selected is within said second predetermined proximity.

Claim 111 has been amended as follows:

111. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by the player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets;
- (d) selecting either said target or one of the non-targets;
- (e) generating a first sound effect randomly chosen from a plurality of sound effects when one of said non-targets is selected;
- (f) selecting either said target or one of the non-targets; and
- (g) generating a second different sound effect randomly chosen from said plurality of sound effects when one of said non-targets is consecutively chosen.

Claim 112 has been amended as follows:

112. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets;
- (d) selecting either said target or one of the non-targets;
- (e) generating a first sound effect when a non-target from the non-targets is selected;
- (f) selecting either said target or one of the non-targets; and
- (g) generating a second different sound effect when said same non-target is consecutively selected.

Claim 113 has been amended as follows:

113. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets;
- (d) selecting either said target or one of the non-targets a plurality of times;
- (e) counting the number of times one of the non-targets is selected;
- (f) reaching a predetermined number of times one of the non-targets is selected; and
- (g) generating a sound effect when one of the non-targets is selected after the predetermined number of times is reached.

Claim 114 has been amended as follows:

114. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;
- (d) selecting either said target or one of the non-targets a plurality of times;
- (e) counting the number of times one of the non-targets is selected from within said predetermined proximity from said target;
- (f) reaching a predetermined number of times one of the non-targets is selected from within said predetermined proximity from said target; and
- (g) generating a sound effect when one of the non-targets is selected from within said predetermined proximity from said target after the predetermined number of times is reached.

Claim 115 has been amended as follows:

115. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a target;
- (c) displaying a plurality of non-targets including at least two non-targets which are each a same predetermined proximity from said target;
- (d) selecting either said target or one of the non-targets a plurality of times;
- (e) generating a first sound effect when one of the non-targets is selected from within said predetermined proximity;
- (f) counting the number of times one of the non-targets is selected from within said predetermined proximity from said target;
- (g) reaching a predetermined number of times one of the non-targets is selected from within said predetermined proximity from said target; and
- (h) generating a second different sound effect when one of the non-targets is selected from within said predetermined proximity from said target after the predetermined number of times is reached.

Claim 118 has been amended as follows:

118. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a plurality of targets;
- (c) randomly selecting none of said targets or one of said targets;
- (d) generating a first sound effect chosen randomly from a first plurality of sound effects when no target is selected;
- (e) generating a second sound effect chosen randomly from a second different plurality of sound effects when one of the targets is selected;
- (f) randomly selecting none of said targets or one of said targets;
- (g) generating a third different sound effect chosen randomly from said first plurality of sound effects when no target is selected; and
- (h) generating a fourth different sound effect chosen randomly from said second different plurality of sound effects when one of the targets is selected.

Claim 119 has been amended as follows:

119. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;
- (d) selecting either said pitfall or one of the non-pitfalls; and
- (e) generating a sound effect associated with said predetermined proximity when one of said non-pitfalls selected is within said predetermined proximity.

Claim 124 has been amended as follows:

124. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls including at least two non-pitfalls which are each within a same predefined distance from said pitfall;
- (d) selecting either said pitfall or one of the non-pitfalls; and
- (e) generating a sound effect associated with said predefined distance when one of said non-pitfalls selected is within said predefined distance.

Claim 125 has been amended as follows:

125. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same first predetermined proximity from said pitfall and including at least two non-pitfalls which are each a same second predetermined proximity from said pitfall;
- (d) selecting either said pitfall or one of the non-pitfalls;
- (e) generating a first sound effect associated with said first predetermined proximity when one of the non-pitfalls selected is within said first predetermined proximity; and
- (f) generating a second different sound effect associated with said second predetermined proximity when one of the non-pitfalls selected is within said second predetermined proximity.

Claim 126 has been amended as follows:

126. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls;
- (d) selecting either said pitfall or one of the non-pitfalls;
- (e) generating a first sound effect randomly chosen from a plurality of sound effects when one of said non-pitfalls is selected;
- (f) selecting either said pitfall or one of the non-pitfalls; and
- (g) generating a second different sound effect randomly chosen from said plurality of sound effects when one of said non-pitfalls is consecutively chosen.

Claim 127 has been amended as follows:

127. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls;
- (d) selecting either said pitfall or one of the non-pitfalls;
- (e) generating a first sound effect when a non-pitfall from the non-pitfalls is selected;
- (f) selecting either said pitfall or one of the non-pitfalls; and
- (g) generating a second different sound effect when said same non-pitfall is consecutively selected.

Claim 128 has been amended as follows:

128. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls;
- (d) selecting either said pitfall or one of the non-pitfalls a plurality of times;
- (e) counting the number of times one of the non-pitfalls is selected;
- (f) reaching a predetermined number of times one of the non-pitfalls is selected; and
- (g) generating a sound effect when one of the non-pitfalls is selected after the predetermined number of times is reached.

Claim 129 has been amended as follows:

129. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;
- (d) selecting either said pitfall or one of the non-pitfalls a plurality of times;
- (e) counting the number of times one of the non-pitfalls is selected from within said predetermined proximity from said pitfall;
- (f) reaching a predetermined number of times one of the non-pitfalls is selected from within said predetermined proximity from said pitfall; and
- (g) generating a sound effect when one of the non-pitfalls is selected from within said predetermined proximity from said pitfall after the predetermined number of times is reached.

Claim 130 has been amended as follows:

130. (Reinstated and Amended) A method of operating a gaming device comprising the steps of:

- (a) operating a game upon a wager by a player;
- (b) displaying a pitfall;
- (c) displaying a plurality of non-pitfalls including at least two non-pitfalls which are each a same predetermined proximity from said pitfall;
- (d) selecting either said pitfall or one of the non-pitfalls a plurality of times;
- (e) generating a first sound effect when one of the non-pitfalls is selected from within said predetermined proximity;
- (f) counting the number of times one of the non-pitfalls is selected from within said predetermined proximity from said pitfall;
- (g) reaching a predetermined number of times one of the non-pitfalls is selected from within said predetermined proximity from said pitfall; and
- (h) generating a second different sound effect when one of the non-pitfalls is selected from within said predetermined proximity from said pitfall after the predetermined number of times is reached.